

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:

Case Nos.:

16-cv-514 (*Chavers v. 3M Co., et al.*)
16-cv-625 (*Van Wart v. 3M Co., et al.*)
16-cv-821 (*Stewart v. 3M Co., et al.*)
16-cv-1774 (*Zenner v. 3M Co., et al.*)
16-cv-2055 (*Redford v. 3M Co., et al.*)
16-cv-2213 (*Chenoweth v. 3M Co., et al.*)
16-cv-2428 (*King v. 3M Co., et al.*)
16-cv-2957 (*Zivanovich v. 3M Co., et al.*)
16-cv-3062 (*Moses v. 3M Co., et al.*)
16-cv-4288 (*Johnson v. 3M Co., et al.*)
16-cv-4290 (*Kauanui v. 3M Co., et al.*)
17-cv-435 (*Warren v. 3M Co., et al.*)
17-cv-767 (*Garger v. 3M Co., et al.*)
17-cv-829 (*White v. 3M Co., et al.*)
17-cv-971 (*Lee v. 3M Co., et al.*)
17-cv-977 (*Saldana v. 3M Co., et al.*)
17-cv-984 (*West v. 3M Co., et al.*)
17-cv-1027 (*Warren v. 3M Co., et al.*)

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO COMPLY
WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare, Inc. (collectively, "Defendants") respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:16-cv-00514-JNE-FLN	Chavers	Gozza & Honnold, LLC
0:16-cv-02213-JNE-FLN	Chenoweth	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-00767-JNE-FLN	Garger	Langdon & Emison
0:16-cv-04288-JNE-FLN	Johnson, Anita	Kirtland & Packard LLP
0:16-cv-04290-JNE-FLN	Kauanui	Kirtland & Packard LLP
0:16-cv-02428-JNE-FLN	King, Jr.	Kennedy Hodges, LLP
0:17-cv-00971-JNE-FLN	Lee	Bailey Peavy Bailey Cowan Heckaman PLLC
0:16-cv-03062-JNE-FLN	Moses	DeGaris & Rogers
0:16-cv-02055-JNE-FLN	Redford	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-00977-JNE-FLN	Saldana	Bailey Peavy Bailey Cowan Heckaman PLLC
0:16-cv-00821-JNE-FLN	Stewart	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:16-cv-00625-JNE-FLN	Van Wart	Grynkewich Law Offices
0:17-cv-00435-JNE-FLN	Warren	Kennedy Hodges, LLP
0:17-cv-01027-JNE-FLN	Warren	Bernstein Liebhard LLP
0:17-cv-00984-JNE-FLN	West	Bailey Peavy Bailey Cowan Heckaman PLLC
0:17-cv-00829-JNE-FLN	White	Bachus & Schanker, LLC
0:16-cv-01774-JNE-FLN	Zenner	Kennedy Hodges, LLP
0:16-cv-02957-JNE-FLN	Zivanovich	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.

As set forth in Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet ("PFS") compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants' original deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants'

third deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: September 7, 2017

Respectfully submitted,

s/ Benjamin W. Hulse

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